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**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEVADA**

PRINCIPAL LIFE INSURANCE COMPANY

Plaintiff/Stakeholder,

vs.

BARBARA A. SHACKELFORD, HELEN  
HARVEY, THE ESTATE OF RUSSELL A.  
HARVEY, and AMES CONSTRUCTION, INC.,

Defendants/Claimants

Case No. 2:18-cv-01173-JAD-VCF

**Notice of Order Granting Motions for  
Default Judgment and Attorney's  
Fees and Costs and Closing Case**

ECF Nos. 18, 19, 23

This Court, having read and considered Plaintiff, Principal Life Insurance Company's (hereinafter, "PLIC") Motion for Default Judgment Pursuant to Fed. R. Civ. P. 55(b) (ECF Nos. 15, 19) and Defendants, Helen Harvey and the Estate of Russell A. Harvey's ("Harvey Defendants") Motion for Default Judgment and Disbursement of Funds (ECF No. 18) as well as the responses thereto, and seeing no Opposition to same, and having read and considered Plaintiff, PLIC'S Motion for an Award of Attorney's Fees and Costs (ECF No. 23) as well as the Harvey Defendants' Response thereto, and seeing no Opposition to same, does hereby FIND and ORDER as follows:

1. Because a Default has been entered in this matter against Barbara A. Shackelford ("Shackelford") (ECF No. 14) and because Shackelford has made no effort to either assert a claim or participate in this matter in any way, and because the respective Motion(s) for Default Judgment filed by PLIC and the Harvey Defendants are in conformity with Fed. R. Civ. P. 55(b)(2), and because both PLIC and the Harvey Defendants have each provided sound analysis of the factors governing the entry of Default Judgment as set forth in *Eitel v. McCool*, 782 F.2d 1470 (9<sup>th</sup> Cir., 1986) and shown that six (6) of the seven (7) factors arising from that matter fall in favor of the entry of Default Judgment as prayed for by the parties, with the seventh (7<sup>th</sup>) factor (addressing the

1 general preference for matters to be decided on their merits) well outweighed by the strength of the  
2 other six (6) factors, the Court has concluded that sufficient cause exists for the entry of Default  
3 Judgment against Shackelford in this matter. Lastly, the Court notes that Defendant, Ames  
4 Construction, Inc. ("AMES") has expressly disclaimed any interest in the proceeds at issue (ECF  
5 No. 8). For all of these reasons, both Motion(s) for Default Judgment [ECF Nos. 18, 19]  
6 **are GRANTED.**

7 2. Because PLIC'S Motion for an Award of Attorney's Fees and Costs addresses all of  
8 the appropriate factors which govern requests for attorney's fees to stakeholders in interpleader  
9 litigation and because the amounts that PLIC has requested for attorney's fees and costs (\$8,846.50  
10 and \$781.76) are well documented and reasonable in light of the circumstances of this matter,  
11 PLIC'S Motion [ECF No. 23] is **GRANTED.**

12 3. In light of the foregoing rulings, it is ORDERED that PLIC shall tender the sum of  
13 \$116,149.29, calculated as proceeds of the policy (\$125,777.55) less the sums awarded to PLIC as  
14 attorney's fees and costs (\$8,846.50 and \$781.76, respectively).

15 4. Because the HARVEY DEFENDANTS have requested that the policy proceeds be  
16 paid by PLIC directly to Defendant, Helen Harvey, and because neither the Court nor PLIC oppose  
17 this request, PLIC shall tender the sum of \$116,149.29 to Defendant, Helen Harvey within thirty  
18 (30) days of the entry of this Order.

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5. Upon PLIC'S payment of the sum of \$116,149.29 to Defendant, Helen Harvey, all obligations that PLIC has under Adjustable Life Insurance Policy 3809632 are extinguished; PLIC is fully discharged from any and all liability arising under the Policy and as a result of the death of Russell A. Harvey and this action is dismissed , WITH PREJUDICE.

6. The Clerk of Court is directed to **ENTER DEFAULT JUDGMENT against defendant Barbara A. Shackelford**, who is hereby declared to have no interest in Adjustable Life Insurance Policy 3809632, and CLOSE THIS CASE.

U.S. District Judge Jennifer A. Dorsey  
Dated: April 11, 2019